

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

12 NEIL G. GOLDBERG,) Case No.: C-05-3534 PVT
13 Plaintiff,) **ORDER TO SHOW CAUSE WHY**
14 v.) **CASE SHOULD NOT BE DISMISSED**
15 JAMES CAMERON, ET AL) **FOR FAILURE TO PROSECUTE**
16 Defendants.)
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18 The Complaint in this case was filed on August 25, 2005. A Case Management
19 Conference was scheduled for February 7, 2006.¹ On February 6, 2006, Plaintiff requested a
20 continuance, stating only that the “case remains under evaluation.” The Court granted this last
21 minute request and continued the Case Management Conference to May 23, 2006. The Case
22 Management Conference was later continued to June 29, 2006. On June 28, 2006, Plaintiff again
23 requested a continuance, again stating that the “case remains under evaluation.” The Court
24 contacted Plaintiff’s counsel and left a message indicating that the request to continue had been
25 denied. Because the request was not granted, the Case Management Conference remained on
26 schedule for 11:00 a.m. on June 29, 2006. Plaintiff neither filed a Case Management

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28 ¹The holding of this court is limited to the facts and the particular circumstances underlying
the present motion.

1 Conference Statement nor appeared for the Case Management Conference. Therefore,

2 IT IS HEREBY ORDERED that, no later than August 31, 2006, Plaintiff shall file a
3 declaration showing cause why this case should not be dismissed for failure to prosecute, based
4 on Plaintiff's failure to file a Case Management Conference statement, failure to appear at the
5 Case Management Conference, and apparent failure to effect timely service of process.

6 Dated: June 29, 2006

Patricia V. Trumbull

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8 PATRICIA V. TRUMBULL
United States Magistrate Judge

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